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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/964,293	09/25/2001	Marilyn E. Shade	07844-469001	1631
21876	7590	01/03/2006	EXAMINER	
FISH & RICHARDSON P.C.				
P.O. Box 1022				
MINNEAPOLIS, MN 55440-1022				
ART UNIT			PAPER NUMBER	
2178				

DATE MAILED: 01/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/964,293

Applicant(s)

SHADE ET AL.

Examiner

Manglesh M. Patel

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 September 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some c) ☐ None of:
- 1 ☐ Certified copies of the priority documents have been received.
- 2 ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- 3 ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
- Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Paper No(s)/Mail Date \_\_\_\_\_
- 6) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other \_\_\_\_\_

### **DETAILED ACTION**

1. This Non-Final action is responsive to communications: Application filed on September 25, 2001.
2. Claims 1-10 are pending. Claims 1, 5, 9 and 10 are independent claims.
3. The application claims priority to U.S. Provisional Application Serial No. 60/235,260, filed on September 25, 2000. Although the U.S. Provisional application is in another language, the application includes a translation document upon review of the original application (paper file), the priority date has been granted.

### ***Drawings***

4. The examiner has accepted the Drawings filed on March 8, 2004.

### ***Specification***

5. The specification is objected to because it fails to describe figures 8A, 8B, 10A and 10B in the brief description of drawings.

### ***Double Patenting***

6. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA

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1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

7. Claims 1-3 and 6 are provisionally rejected under the judicially created doctrine of obvious-type double patenting as being unpatentable over claims 1-3, of U.S. Patent No. 6,928,611. Although the conflicting claims are not identical, they are not patentably distinct from each other because the two applications describe an inter-character class spacing amount setting table for in line composition, for grouping similar characters, forming classes for setting spacing between the characters.

**Regarding Independent Claim 1**

- Claim 1----- (U.S. 6,928,611, Claim 1, column 10, lines 48-58);

**Regarding Dependent Claims 2 and 6**

- Claim 2 ---- (U.S. 6,928,611, Claim 2, column 11, lines 3-13);

**Regarding Dependent Claim 3**

- Claim 3 ---- (U.S. 6,928,611, Claim 3, column 11, lines 14-17);

The patent is different in that it claims a broader process that does not use a dialog box for setting the spacing amount with icons representing the characters as in the instant application. However the use of dialog boxes and icons for constructing interfaces were extremely well known in the art. Thus, given the invention of U.S. Patent No. 6,928,611, it would have been obvious to a person of ordinary skill in the art to have modified the

invention by including an interface comprising a dialog box and icons, since it would have provided a method for direct modification of the character spacing through an user interface component.

**Claim Rejections - 35 USC § 102**

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

9. Claims 1, 3-5 and 7-10 are rejected under 35 U.S.C. 102(a) as being anticipated by Microsoft Word (character spacing feature, 1983-1999, Microsoft Corporation, pages 1-6).

**Regarding Independent claims 1 and 9,** Microsoft Word discloses a *text composition spacing amount setting device for a desktop publishing (DTP) system, comprising:*

- *At least one inter-character-class spacing amount setting table, for use in line composition, for grouping similar characters, forming a plurality of character classes and setting inter-character spacing amounts between a character class of a previous character and a character class of a next character within a pair of continuous characters (See figure 4, wherein numeral 400 shows a character spacing tab that displays an inter-character spacing amount setting table. In*

addition the spacing is set between the character classes that are part of a pair of continuous characters see numeral 440);

- *A display device for displaying electronic text that has been line composed (It is inherent that a display device is included to take the supplied screenshots);*
- *And an input device for providing user input (It is inherent that a keyboard or input device is present to take the supplied screenshots);*
- *A spacing amount setter that is operable to display on the display device a dialog box for user input of a spacing amount between the character class for the previous character and the character class for the next character, and to display in the dialog box an icon representing the character class for the previous character and an icon representing the character class for the next character (Figure 4, wherein a dialog box is displayed by performing the operations in figure 2-4, the dialog box also displays the user input for setting the spacing amount between characters).*

**Regarding Dependent claims 3 and 7,** Microsoft Word discloses *a text composition spacing amount setting device, further operable to receive a user selection of either the character class of the previous character or the character class of the next character in the dialog box (Figure 4 & 6, wherein the text composition spacing amount setting device for receiving the user selection of either a previous or next character in the dialog box is shown in figure 4, figure 6 shows that the setting device defined by the dialog box is operable to receive a selection of the word of the next character. The user*

selects the character class of the next character shown in 620 by highlighting the characters in the class).

**Regarding Dependent claim 4,** Microsoft Word discloses *wherein a left side display column is provided for icons of the character class for the previous character and a right side display column is provided for icons for the character class of the next character in the dialog box, the device further being operable to display an icon representing a selected character class, among a plurality of classes, for the previous character in the left side display column, and to display an icon representing a selected character class, among a plurality of classes, for the next character in the right side display column* (Figure 4, although Microsoft word doesn't specifically show an icon representing the selected words or character classes, it does disclose a representation of the character classes related to the previous and next character of a word within a preview window that is part of the dialog box. The use of an icon for representing the words or character classes is a matter of design choice, since both inventions display a representation of the characters).

**Regarding Independent claim 5,** Microsoft Word discloses *a computer program product, tangibly stored on a computer-readable medium, for setting at text composition spacing amount in a desktop publishing (DTP) system, comprising instructions operable to cause a programmable processor to:*

- *Display on a display device a spacing amount saved in an inter-class character table in response to a user selection in the inter-character class spacing amount setting table, for use in line composition, the inter-character class spacing amount setting table grouping similar characters, forming a plurality of character classes and defining inter-character spacing amounts between a character class of a previous character and a character class of a next character within a pair of continuous characters (See figure 4, wherein a display device displays the table described by the dialog box including the saving of the character spacing adjustments made by the user. The saving is done once the OK is selected in the dialog box, the spacing adjustments will always be saved and associated to the particular character class in the document. Numeral 400 shows a character spacing tab that displays an inter-character spacing amount-setting table. In addition the spacing is set between the character classes that are part of a pair of continuous characters see numeral 440);*
- *And display in the dialog box an icon representing the character class of the previous character and an icon representing the character class of the next character (Figure 4, although Microsoft word doesn't specifically show an icon representing the selected words or character classes, it does disclose a representation of the character classes related to the previous and next character of a word within a preview window that is part of the dialog box. The use of an icon for representing the words or character classes is a matter of design choice, since both inventions display a representation of the characters).*



**Regarding Dependent claim 8**, Microsoft Word discloses *a computer program product, further operable to:*

- *Display a left side display column for icons of the character class of the previous character and a right side display column for icons of the character class of the next character in the dialog box* (Figure 4, although Microsoft word doesn't specifically show an icon representing the selected words or character classes, it does disclose a representation of the character classes related to the previous and next character of a word within a preview window that is part of the dialog box. The use of an icon for representing the words or character classes is a matter of design choice, since both inventions display a representation of the characters);
- *Display the icon of the selected character class in the left side display column when a character class among a plurality of character classes is selected for the previous character's character class* (Figure 4, although Microsoft word doesn't specifically show an icon representing the selected words or character classes, it does disclose a representation of the character classes related to the previous and next character of a word within a preview window that is part of the dialog box. The use of an icon for representing the words or character classes is a matter of design choice, since both inventions display a representation of the characters);

- *And display the icon of the selected character class in the right side display column when a character class among a plurality of character classes is selected for the next character's character class (Figure 4, although Microsoft word doesn't specifically show an icon representing the selected words or character classes, it does disclose a representation of the character classes related to the previous and next character of a word within a preview window that is part of the dialog box. The use of an icon for representing the words or character classes is a matter of design choice, since both inventions display a representation of the characters).*

**Regarding Independent claim 10,** Microsoft Word discloses *a computer readable recording medium recording a text composition spacing amount setting program for executing by computer in a desktop publishing system, comprising:*

- *A procedure for displaying on a display means in dialog box format a spacing amount saved in an inter-character-class spacing amount setting table when a user selects the inter-character-class spacing amount setting table, for use in line composition, wherein the inter-character-class spacing amount setting table groups similar characters, forms a plurality of character classes and sets inter-character spacing amounts between a character class of a previous character and a character class of a next character within a pair of continuous characters (See figure 4, wherein numeral 400 shows a character spacing tab that displays an inter-character spacing amount setting table. The saved spacing settings are*

obtained by selecting the table while the character classes are selected either by highlighting or clicking the character class. In addition the spacing is set between the character classes that are part of a pair of continuous characters see numeral 440);

- *And a procedure for displaying in the dialog box an icon representing the character class of the previous character and an icon representing the character class of the next character (Figure 4, although Microsoft word doesn't specifically show an icon representing the selected words or character classes, it does disclose a representation of the character classes related to the previous and next character of a word within a preview window that is part of the dialog box. The use of an icon for representing the words or character classes is a matter of design choice, since both inventions display a representation of the characters).*

### ***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 2 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Microsoft Word (character spacing feature, 1983-1999, Microsoft Corporation) in view of Sawada (U.S. 5,501,538, filed Jun 21, 1994).

**Regarding Dependent claims 2 and 6,** Microsoft Word teaches the use of a dialog box for setting character spacing between continuous characters that represent a character class or words. However Microsoft Word fails to specifically teach the support for various character classes for spacing, although it is inherent that the support for various character classes includes parenthesis, comma and many other common punctuations which are all supported with the character spacing feature. Sawada specifically teaches *wherein the plurality of character classes includes one or more of (1) starting parenthesis, (2) ending parenthesis, (3) characters that cannot appear at the start of a line, (4) non-centered punctuation, (5) centered punctuation, (6) period, (7) comma, (8) repeating characters that cannot be broken across lines, (9) preceding abbreviation code, (10) following abbreviation code, (11) full-width ideographic spaces, (12) hiragana, (13) Japanese characters other than character classes (1) through (12), (14) full-width numeral, (15) half-width numeral, (16) half-width Roman text, (17) start of line, (18) start of paragraph, and (19) end of line* (column 5, lines 50-56, wherein the character spacing apparatus supports characters from Japanese language including **hiragana** and katakana). At the time of the invention it would have been obvious to a person of ordinary skill in the art to have included the support for Japanese language characters such as Sawada in a character spacing system of Microsoft Word. The motivation for doing so would have been to provide a more efficient method of character adjustment for printing purposes by taking the character relationships into account thereby eliminating the use of a skilled operator using kerning techniques. Therefore it would have been obvious to combine the teachings of Sawada with Microsoft Word for

the benefits of allowing greater character impression by taking into account the character relationships thereby supporting character spacing for Japanese languages.

### **Conclusion**

#### **Other Prior Art Cited**

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Gillam (U.S. 6,626,960) discloses "Method, System, And Program For Generating A Table To Determine Boundaries Between Characters"
- Babcock et al (U.S. 6,252,607) discloses "Method And System For Character Spacing In Graphics Terminal Emulation"

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Manglesh M. Patel whose telephone number is (571) 272-5937. The examiner can normally be reached on M,F 8:30-6:00 T,TH 8:30-3:00 Wed 8:30-7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen S. Hong can be reached on (571)272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Manglesh M. Patel

Patent Examiner

December 15, 2005



**STEPHEN HONG**  
**SUPERVISORY PATENT EXAMINER**

# **Notice of References Cited**

Application/Control No.

09/964,293

Applicant(s)/Patent Under  
Reexamination  
SHADE ET AL.

Examiner

Manglesh M. Patel

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## **U.S. PATENT DOCUMENTS**

		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-5,501,538	03-1996	Sawada et al.	400/304
*	B	US-6,252,607	08-2001	Babcock, Scott E.	345/468
*	C	US-6,626,960	09-2003	Gillam, Richard Theodore	715/531
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

## **FOREIGN PATENT DOCUMENTS**

		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

## **NON-PATENT DOCUMENTS**

		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	Screenshots of Microsoft Word (character spacing feature), 1983-1999, Microsoft Corporation, Pages 1-6
	V	
	W	
	X	

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

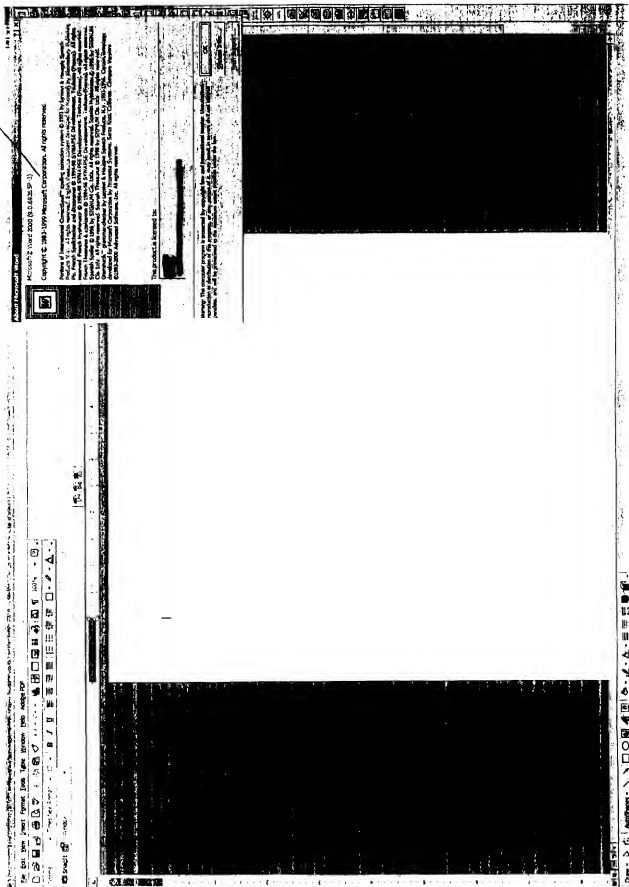




FIG. 2

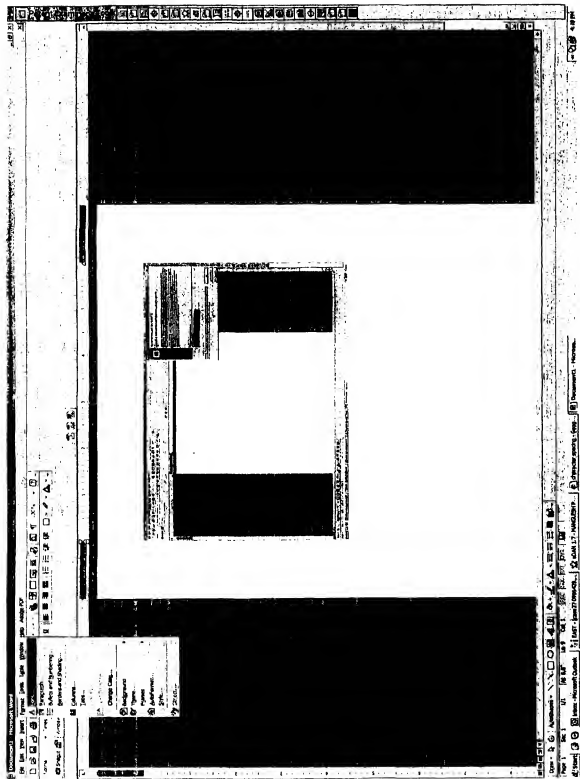




FIG. 4

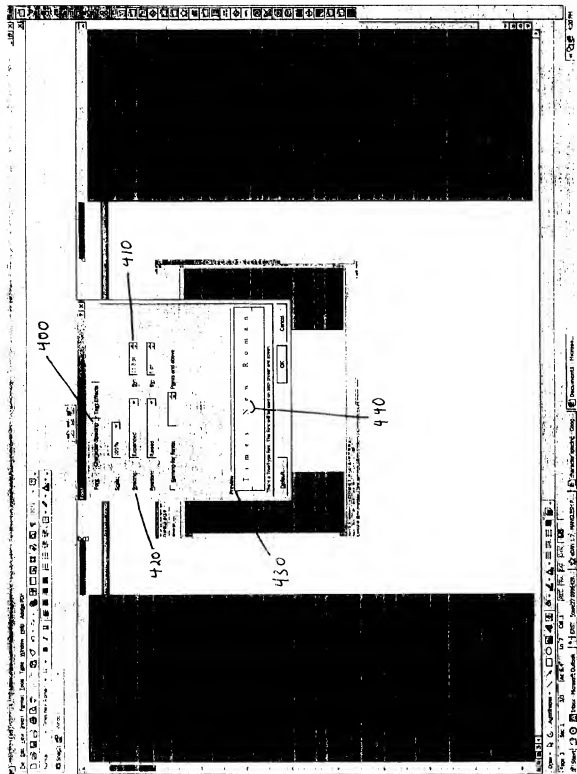


FIG 5

